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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/865,030  
Filing Date: May 24, 2001  
Appellant(s): TABATABAI ET AL.

\_\_\_\_\_  
WILLIAM A. ZARBIS  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 01/26/09 appealing from the Office action mailed 07/24/08.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,751,623	BASSO ET AL.	6-2004
6,593,936	HUANG ET AL.	7-2003
ISO/IEC MPEG 00/N3575 (JULY 2000)		

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

A1. Claims 1-3, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Basso et al (6,751,623)** in view of **Huang et al (6,593,936)**.

As to Claim 1, **Basso** discloses in figures 1-4, a method for dynamically updating descriptions of audio-visual content information in a server/client system, the method comprising:

The sever sending to the client (figs.3-4) a command indicating a type of update to make to a particular node of a data structure residing at the client and describing an item of content, where the particular node contains information describing an attribute of the item of audio-visual content and where the particular node is one of a plurality of nodes of the structure, where the plurality of nodes are associated with one another to form structure, where the description is compliant with MPEG-4 standard and sending to the client meta-data, instructions or rules, etc., to update the various modes (col. 3, lines 13-29, col.4, line 57-col.5, line 51, col.25, line 53-col.26, line 32 and line 48-col.27, line 49).

**Basso** does clearly disclose where the description is compliant with the MPEG-7 standard and updating the description using Data Description Language (DDL)

In an analogous art, **Huang** discloses specifying the location of a node in the description to perform the update, wherein the description is compliant with the MPEG-7 standard (Col. 7, lines 1-21 and Col. 10, line 46- Col. 11, line 8).

Huang further teaches, updating the description using Data Description Language (DDL)(Col. 7, lines 22-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Basso with the teachings of Huang in order to facilitate compliancy with the MPEG-7 standard for the benefit of complying with a standard that provides standardization of multimedia content descriptions.

As to Claim 2, Basso teaches, determining whether the update is authorized to be performed (col.7, lines 13-25).

As to Claim 3, Basso in view of Huang further disclose, where the issuing a command indicating the type of update comprises: sending command to add to the description and where the addition is accomplished by deriving an extension (Col. 6, lines 35-54).

As to Claim 6, Basso further teaches, wherein the updating the description comprises: altering the structure of the description (col. 4, line 57 - col. 5, line 4).

As to Claim 7, Basso teaches, where the updating description comprises: altering a parameter at a node of the description (col. 1, lines 47-59 and col. 3, lines 13-29).

Claim 9 is met as previously discussed with respect to claim 3.

A2. Claims 11-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over of **Huang et al (6,593,936)** in view of **Basso et al (6,751,623)**.

As to Claim 11, **Huang** discloses in a system (figure 9) comprising a first computer system (900-figure 9) and a second computer system (940 - figure 9) coupled

to the first computer system via a communication link (930 - figure 9) the second computer system having stored thereon a description of audio-visual content (col.7, lines 1-21), a method for dynamically updating the description, comprising:

the first computer system (930) sending a command to the second computer system (940) to perform a specified update of a structure of description, where the description resides on the second computer system and where the nodes of the structure comprise the descriptions of portions of the audio-visual content information, the second computer system updating the description using Data Definition Language (col. 6, lines 35-47, col. 7, lines 22-41 and Col.10, line 47- Col.11, line 7).

Huang does not clearly disclose the first computer system retrieving and sending command to the second computer system to perform a specified update of at least one node of a structure of the description, where nodes of the structure comprise the descriptions of portion of the audio-visual content information and the first computer system sending a location of a node in the description for the update to the second computer system.

In an analogous art, **Basso** discloses the first computer system (150, fig.3) instructing the second computer system (190) to perform a specified update of at least one node of a structure of the description, where nodes of the structure comprise the descriptions of portion of the audio-visual content information, where the first computer system sends a location of a node in the description for the update to the second computer system (col. 3, lines 13-29, col.4, line 57-col.5, line 51, col.25, line 53-col.26, line 32 and line 48-col.27, line 49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang with the teachings of Basso in order to facilitate a first computer system instructing a second computer system to perform a specified update of at least one node of a structure of the description for the benefit of flexible formats of multimedia to allow quick adaptation of the audio-visual information.

As to Claim 12, Huang in view of Basso disclose, the first computer determining whether the update is authorized to be performed (Col. 7, lines 13-25).

As to Claim 13, Huang in view of Basso disclose, the second computer system determining whether the first computer system is authorized to instruct the update (Col. 7, lines 13-25).

As to Claim 14, Huang further disclose, the first computer system (900-figure 9) instructing the second computer system (930-figure 9) to perform a specified update to the description comprises: issuing a command to add to the description (Col. 6, lines 35-54).

As to Claim 15, Huang in view of Basso disclose, where the first computer system (150 - figure 3) instructing the second computer system (190 - figure 3) to perform a specified update to said description comprises issuing a command to delete a portion of said description by disclosing description information can be extracted from the elementary stream of a file (Col. 1, lines 47-59 and Col. 3, lines 13-29).

As to Claim 16, Huang further teaches, the first computer system (900 - figure 9) instructing said second computer system (930 - figure 9) to perform a specified update

to said description comprises: issuing a command to change a portion of said description (Col. 6, lines 35-54).

As to Claim 17, Huang in view of Basso disclose, where the second computer system (190-figure 3) updating the description comprises: altering a schema of said description, wherein said description comprises a tree structure and the update modifies the tree-structure (Co. 4, line 57 Col. 5, line 4).

As to Claim 18, Huang in view of Basso disclose, where the second computer system (190 -figure 3) updating the description comprises: altering instance information, wherein said description comprises a tree structure and the update modifies a parameter at a node of the tree-structure (Col. 1, lines 47-59 and Col. 3, lines 13-29).

As to Claim 19, Huang in view of Basso disclose, selecting among a set data stored on said first computer to update the description on the second computer by disclosing information for editing the description of the A/V file can come from a different terminal and allow easy editing and manipulation (Col. 3, lines 13-29).

As to Claim 20, Huang in view of Basso disclose, where the first and the second computer systems form a peer-to- peer system by disclosing first computer system (150 - figure 3) and second computer system (190 - figure 3) can utilize the Internet for transmission of A/V information (Col. 1, lines 32-36).

As to Claim 21, Huang in view of Basso disclose, where the first computer system (900-figure 9) instructing the second computer system (940 - figure 9) to perform a specified update to the description comprises: receiving a request from the



second computer for information, wherein a pull operation is initiated (Col. 5, lines 29-49).

As for Claim 22, Huang in view of Basso disclose, where the first computer system (900 - figure 9) instructing the second computer system (940-figure 9) to perform a specified update to the description comprises: determining that the description stored on said second computer should be updated, wherein a push operation is initiated (Col. 5, lines 29-49).

As to Claim 23, the claimed "A computer readable medium residing on a first computer system having instructions stored thereon..." is composed of the same structural elements that were discussed with respect to the rejection of claim 11.

As for Claim 24, Huang further discloses, where the command structure further specifies a command selected from the group consisting of add, delete, and change commands (Col. 6, lines 35-47).

As for Claim 25, Huang further discloses, where the location further specifies between a relative address in the description and an absolute address in the description by disclosing the location in the scene description defines a spatial-temporal location (Col. 10, line 47 - Col. 11, line 7).

As for Claim 27, Huang in view of Basso disclose, wherein said instructions further comprise a structure for specifying a security level to determine whether said update is allowed (Col. 7, lines 13-25).

As for Claim 28, Huang further discloses, where the instructions are compliant with the Extensible Markup Language (XML) (Col. 7, lines 22-67).

5. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Basso et al (6,751,623)** in view of **Huang et al (6,593,936)** as applied to claim 1 above, and further in view of **ISO/IEC MPEG 00/N3575 "ISO/IEC" (cited in previous office action)**.

As for Claim 4, the combination of Basso and Huang fail to explicitly disclose where the issuing a command indicating the type of update comprises: issuing a command to delete a portion of the description, wherein the delete is accomplished by deriving by restriction.

In an analogous art, ISO/IEC discloses where the delete is accomplished by deriving by restriction (Page 5, Section 5.2.2.4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Basso and Huang with the teaching of ISO/IEC in order to facilitate a delete action by deriving by restriction for the benefit of complying with an established standard.

As for Claim 5, the combination of Basso and Huang disclose, in particular Huang teaches creating of new descriptors can be accomplished using extensions and modifications can be made as well (Col. 6, lines 35-47). However, Huang fails to explicitly state using a restriction in order to modify a descriptor.

In an analogous art, the ISO/IEC discloses that the, "derive by restriction" command can be used to create new descriptors by using the base definition of the MPEG-7 scene description information (Page 5, section 5.2.2.4). Further, it would be

obvious that in order to change a portion of the description, a restriction command would be required first, followed by an extension command in order to modify the node.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Basso and Huang with the teachings of ISO/IEC in order to issue a command to change a portion of said description for the benefit of complying with an established standard.

Claim 8 is met as previously discussed with respect to claim 4.

#### **(10) Response to Argument**

The Examiner respectfully disagrees that the rejection should be reversed. Appellant discusses the prior arts of record, **Basso et al (6,751,623)**, **Huang et al (6,593,936)** and **ISO/IEC MPEG 00/N3575 (July 2000)**, the office action, the claimed invention and argues that, "...limitations are not shown or suggested by Basso and Huang..." that "...Basso, it may be possible to update scene descriptions organized in a tree structure, Basso fails to teach how that would be done..." that "...Basso provides no details with regard to the manner in which objects and/or scene descriptions are updated..." that "...Huang does not overcome the shortcomings of Basso..." that the 103(a) rejection of the claims, is not proper (see page 6+ of Appellant's Brief).

In response, Examiner disagrees with assertion for several reasons. Examiner notes Appellant's arguments. Appellant has mischaracterized the prior arts of record by making references to a few cited portions of the prior arts of record. As to the 103(a) rejection, Basso in view of Huang, for a group of claims as discussed above in the office

action, Basso discloses updating description information of MPEG-4 using VRML language in a tree-based structure (col.1, lines 53-67, col.3, lines 15-21 and col.4, line 57-col.5, line 4). Basso further teaches that, external links (URLs, col.5, lines 5-51 and col.6, line 42-col.8, line 1+) are part of scene description data and the MPEG-4 data includes instructions or rules for dynamically updating specific nodes of the data tree structure stored locally and further teaches that new instructions or rules can be transmitted to control the structural organization to allow easy and programmable or modification of structural organization to support multiple protocols. The new instructions or rules transmitted from the server to the client, changes structural reorganization of the various nodes of the tree and dynamically updates information of particular node(s) of the tree (figs.1-5, col.5, lines 10-51, col.25, line 53-col.26, line 32 and line 48-col.27, line 49). Basso clearly discloses that "...objects are related to a particular session...a session does not need to be contained in only one MPEG-formatted files..." that "...a set of MPEG-4 formatted files can be used to provide a complete session..." (col.5, lines 5-51). Basso further teaches that the various objects (audio-visual) includes object ID and allows for highly flexible and general manipulation of the data types and further discloses that "...one or more...object ID fields...are substituted...in the MPEG-4 standard...one or more segment of...object are substituted for...object offset..." (col.10, line 32-col.11, line 45 and col.16, line 42-col.17, line 20). Basso further suggests that MPEG-7 and other descriptive language could be used within the scope of the invention, but silent to the client executes a command and performs updates using data description language (DDL). However, in the same field of

endeavor, this deficiency is disclosed in Huang reference, which performs updates using DDL (col.7, lines 1-50, col.10, line 47-col.11, line 7, col.12, line 26-col.14, line 40 and col.14, line 5+), which meets all the claimed limitations. Accordingly the combination of Basso in view of Huang is deemed proper and should be sustained.

With respect to the 103(a) rejection of Huang in view of Basso for claims 11-25, 27 and 28, **Huang** discloses in a system (see figure 9) comprising a first computer system (900-figure 9) and a second computer system (940 - figure 9) coupled to the first computer system via a communication link (930 - figure 9) the second computer system having stored thereon a description of audio-visual content (col.7, lines 1-21), a method for dynamically updating the description, where the first computer system (930) sending a command to the second computer system (940) to perform a specified update of a structure of description, where the description resides on the second computer system and where the nodes of the structure comprise the descriptions of portions of the audio-visual content information, the second computer system updating the description using Data Definition Language (col. 6, lines 35-47, col. 7, lines 22-41 and Col.10, line 47-Col.11, line 7). Huang is silent as to updating specific nodes of the data structure, however, in the same field of endeavor, Basso teaches dynamically updating specific nodes of the locally store MPEG-4 data as discussed above. With respect to claims 4, 5, and 8, Basso as modified by Huang, fail to explicitly disclose where sending a command indicating the type of update includes instructions to delete a portion of the description, where the delete is accomplished by deriving by restriction. However, in an analogous art, ISO/IEC discloses where the delete is accomplished by deriving by

restriction (Page 5, Section 5.2.2.4). Appellant is reminded that a reference can be relied upon for all that would have reasonably suggested to one of ordinary skilled in the art, including non-preferred/preferred embodiments. The prior arts of record are all in the same field of endeavor and the combination is proper and meets all the claims limitations. Accordingly the 103(a) rejection of all the claims is deemed proper and should be sustained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

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